

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEONDRE DAVIS and JAARON DAVIS,

Defendants.

Case No. CR20-160RSL

ORDER GRANTING JOINT
MOTION TO CONTINUE
TRIAL DATE

This matter comes before the Court on the parties' "Joint Motion to Continue the Trial Date." Dkt. # 34. Having considered the facts set forth in the motion, and defendants' knowing and voluntary waivers, Dkts. # 35–36, the Court finds as follows:

1. The Court adopts the facts set forth in the joint motion: specifically, that discovery consists of a significant volume of materials and that the COVID-19 pandemic has continued to hamper the ability of the parties to prepare for trial. Dkt. # 34. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The COVID-19 pandemic continues to impact the Court's operations. See W.D. Wash. Gen. Order Nos. 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21 (incorporated by reference). In particular, the COVID-19 pandemic has made it difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in

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1 the courtroom. Due to these challenges, the Court finds that proceeding with an earlier trial
2 would likely be impossible or would result in a miscarriage of justice, as set forth in 18 U.S.C.
3 § 3161(h)(7)(B)(i).

4 3. The Court finds that the additional time requested between May 24, 2021 and the
5 proposed trial date of October 25, 2021, is a reasonable period of delay. The Court finds that this
6 additional time is necessary to provide counsel reasonable time to prepare for trial, considering
7 all the facts set forth above.

8 4. The Court further finds that this continuance would serve the ends of justice, and that
9 these factors outweigh the best interests of the public and defendant in a speedier trial, within
10 the meaning of 18 U.S.C. § 3161(h)(7)(A).

11 5. Jaaron Javon Davis has executed a waiver indicating that he has been advised of his right
12 to a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily
13 waived that right and consented to the continuation of his trial to a date up to and including
14 November 8, 2021, Dkt. # 35, which will permit his trial to start on October 25, 2021, per the
15 parties' request.

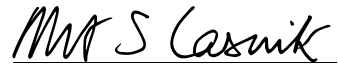
16 6. Deondre Davis has executed a waiver indicating that he has been advised of his right to a
17 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
18 that right and consented to the continuation of his trial to a date up to and including November
19 30, 2021, Dkt. # 36, which will permit his trial to start on October 25, 2021, per the parties'
20 request.

21 IT IS HEREBY ORDERED that the trial date shall be continued from May 24, 2021, to
22 October 25, 2021, and pretrial motions are to be filed no later than September 20, 2021.

23 IT IS FURTHER ORDERED that the period of time from the current trial date of May
24 24, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy
25 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of
26 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),
27 (h)(7)(A), and (h)(7)(B).

28 IT IS SO ORDERED.
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1 DATED this 2nd day of April, 2021.

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4 Robert S. Lasnik

5 United States District Judge
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